

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

JEWS AT HAVERFORD,  
ALLY LANDAU,  
HJSB and HJSC,

Plaintiffs,

v.

THE CORPORATION OF  
HAVERFORD COLLEGE,

Defendant.

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Civil Action No. 2:24-cv-02044 (GAM)

**SECOND AMENDED COMPLAINT**

## I. INTRODUCTION

1. This case is brought to remedy Haverford College's deliberate indifference to, and enabling of, a hostile environment that has deprived Jewish students of educational opportunities based on their ethnic identity as Jews committed to Israel as a homeland and safe haven for the Jewish people. In the aftermath of the Hamas<sup>1</sup> terrorist attacks of October 7-8, 2023, numerous Haverford students and faculty have exhibited and expressed severe and pervasive hostility toward Jewish students whose ethnic identity includes this fundamental commitment to Israel. Rather than debating policy issues or discussing historical or current events, the many students, faculty and administrators at Haverford manifesting this hostility have subjected Plaintiffs (and anyone else who endorses the Jewish commitment to Israel) to sustained harassment, intimidation and ostracization. Within days of October 7, Haverford faculty members publicly celebrated the terrorist attacks and denounced the Jewish commitment to Israel as racist and genocidal. Hamas sympathizers on campus masquerading under the banner of "student activism" have accosted Jewish students in their classes and other campus spaces, calling for the eradication of Israel, accusing Jewish students of racism and support for genocide, shouting antisemitic slogans, occupying buildings and other common spaces to impede the movement of anyone who does not publicly express agreement with their views. Posters advertising Jewish events have been torn down and a mob of masked protestors employed disruptive and intimidating tactics, instilling fear for their physical safety in those attending the single Haverford-sponsored event addressing antisemitism, presented by a legacy Jewish institution.

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<sup>1</sup> Since 1997, Hamas has been designated a foreign terrorist organization by the United States government under section 219 of the Immigration and Nationality Act, as amended. Australia, Canada, the European Union, Israel, Japan, New Zealand, and the United Kingdom have also designated Hamas a terrorist organization.

2. These and specific incidents further described herein creating a hostile environment on Haverford's campus were public in nature and provoked animated discussion and debate among members of Haverford's community, including and especially among Jews at Haverford. For each of the incidents here at issue, and as alleged in further detail below, each of the Plaintiffs either witnessed the incident directly or learned about it by word of mouth or through a private group messaging service created expressly for this purpose.

3. Haverford's leadership, including President Wendy Raymond, Dean of the College John McKnight, and Vice President for Institutional Equity and Access (IEA) Thelalia ("Nikki") Young, were specifically and repeatedly notified in clear and unambiguous terms that these incidents were creating a hostile environment for Jewish students sharing a commitment to the existence of Israel as a Jewish homeland. As detailed below, after each of the incidents here at issue, Haverford received numerous written and face-to-face communications from students, parents, faculty, alumni, and even official representatives of the Jewish community of Philadelphia, informing them of the hostile environment for Jews at Haverford and asking Haverford's leaders to intervene. Indeed, as long ago as January 2024, the College's Board President acknowledged the "slowness and inadequacy" of the College's response both to antisemitism on campus generally and to threats to Plaintiff Ally Landau in particular.<sup>2</sup> Yet Haverford's leadership consistently refused to address the individual incidents in any effective way or to take steps to remedy the hostile environment these incidents have created, so that ten months after this *mea culpa* from the College's then-board chairman, the College's President and Vice President for IEA sat quietly and did nothing to prevent

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<sup>2</sup> Charley Beever, then-Board President of Haverford College, made these admissions in email and telephone communications with Ally's parents and Haverford President Wendy Raymond, between December 28, 2023 and January 5, 2024.

a mob of students from menacing those attending a presentation on campus by the Anti-Defamation League.

4. On the contrary: Haverford's leaders have demonstrated time and again to Plaintiffs, and have explicitly stated to parents, alumni and representatives of the Jewish community of Philadelphia, that they know Haverford's campus has become a hostile environment for Jewish students but that, in place of administrative intervention, Jewish students should pursue dialogue and mediation via student judicial procedures overseen and controlled by the very students who took part in harassing and discriminating against them. Rather than protecting Plaintiffs through enforcement of its policies on discrimination, harassment, and bias, Haverford has left them to fend for themselves in addressing willful misconduct by large numbers of students who have declared their unwavering hostility to and repudiation of Plaintiffs.

5. This lawsuit seeks to hold Haverford responsible for its abdication of responsibility, which has continued even after Plaintiffs threatened to bring—and brought—this action against Haverford for violation of their federal civil rights.

## **II. JURISDICTION AND VENUE**

6. This Court has subject matter jurisdiction under 28 U.S.C. §§ 1331 and 1343 over claims arising under Title VI of the Civil Rights Act of 1964 (“Title VI”) (42 U.S.C. § 2000d *et seq.*).

7. This Court has personal jurisdiction over Haverford College because it resides and does business in this district.

8. Venue lies in this district pursuant to 28 U.S.C. § 1391 because Haverford is located in this district and a substantial part of the events or omissions giving rise to Plaintiffs’ claims occurred in this district.

### III. PARTIES

9. Plaintiff Jews at Haverford is an unincorporated active membership association consisting of over fifty Jewish students, as well as faculty, alumni and parents of students of Haverford, who are Jewish and who share a commitment to the existence and survival of Israel as a Jewish homeland and safe haven (hereafter, a “commitment to Israel”). Members of this association run the gamut on their political affiliations, degree of religious observance, as well as their support for the current government of the state of Israel and its leadership.<sup>3</sup> Indeed, the association’s membership includes outspoken critics of many Israeli government policies and of Prime Minister Benjamin Netanyahu. No element of Plaintiffs’ claims in this case arises out of any person’s expression of substantive disagreement with any policy position taken by the Government of the State of Israel.

10. Jews at Haverford formed in the immediate aftermath of the Hamas Massacre of October 7, 2023. Jewish students with a commitment to Israel needed, and still need, a safe space to speak with one another about the horrors and dangers experienced by family, friends and other Jews in Israel, and the hostility directed against Jewish students on Haverford’s campus because of their commitment to Israel. Student members of Jews at Haverford interact through in-person gatherings and online. Their primary mode of virtual communication is a WhatsApp group named “Many Jews, Even More Opinions,” which students use on a regular basis, sometimes many times daily, to discuss and support one another in connection with incidents contributing to the hostile environment on campus; ways to address those incidents, including reporting them to the College;

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<sup>3</sup> Plaintiffs recognize that not all Jewish students at Haverford share their commitment to Israel. As used in this Complaint, references to a hostile environment for Jewish students committed to Israel describes the environment affecting Plaintiffs and other Jewish students whose ethnic identity includes a commitment to the existence of a Jewish state in the land of Israel.

and the responses received (and not received) to such reports. This WhatsApp group also allowed students to share information about communal dinners and other events of mutual interest.

11. In-person meetings of this group have taken and continue to take place at the home of a faculty member who belongs to Jews at Haverford, and at an off-campus location near Haverford's campus where Jewish students who share a commitment to Israel can safely and confidentially discuss that commitment and the events at issue in this case.

12. Plaintiff Ally Landau was a senior at Haverford when this action was filed and is a member of Jews at Haverford. Ally graduated in May 2024.

13. Plaintiff "HJSB" is a senior at Haverford and a member of Jews at Haverford. She received permission from the Court to proceed under this pseudonym.

14. Plaintiff "HJSC" is a junior at Haverford and a member of Jews at Haverford. She also received permission from the Court to proceed under a pseudonym.

15. As detailed below, Ally Landau and each of the anonymous student Plaintiffs (HJSB and HJSC), as well as all current student members have been personally injured by the individual incidents alleged in this Complaint and by the resulting hostile environment at Haverford.

16. Defendant Haverford is a liberal-arts college near Philadelphia with total enrollment of under 1,500 students. It accepts substantial direct financial assistance for its educational programs from the federal government through grants and loans, as well as substantial indirect federal financial assistance through tuition paid with federal financial aid. As a recipient of federal financial assistance, Haverford is subject to the requirements of Title VI.

#### IV. HAVERFORD POLICIES ON DISCRIMINATION AND HARASSMENT

##### A. Nondiscrimination

17. Haverford maintains a comprehensive policy barring discrimination against any member of the College community on the basis of characteristics protected by law. Under its Non-discrimination Statement and the Anti-Discrimination, Harassment, and Bias Policy (hereafter, the “Nondiscrimination Policy”), Haverford “is committed to providing an employment and educational environment free from all forms of unlawful discrimination because of religion, ... national origin, ancestry, citizenship ... or any other characteristic protected by law.” These Policies are attached hereto as Exhibit A.

18. A commitment to Israel is an essential component of Jewish ethnic identity for most Jews, including each of the Plaintiffs in this case and all members of Jews at Haverford. Under federal law, this aspect of Jewish identity is a protected characteristic. In particular, Title VI prohibits antisemitic harassment and discrimination targeting Jewish ancestry and ethnic character tied to Israel, including “when criticism of Israel or promotion of the Palestinian cause veers into antisemitism.” *Landau v. Corp. of Haverford Coll.*, 2025 WL 35469, at \*3 (E.D. Pa. Jan. 6, 2025).

19. The conduct of the Haverford students, faculty and administration described and at issue herein readily satisfies both definitions of “antisemitism” in common usage: the Jerusalem Declaration definition and the definition adopted by the International Holocaust Remembrance Alliance (IHRA).<sup>4</sup> Section B of the Jerusalem Guidelines provides examples of *prima facie* antisemitism, including “[r]equiring people, because they are Jewish, publicly to condemn Israel

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<sup>4</sup> Haverford President Wendy Raymond has indicated to Plaintiffs that she prefers the Jerusalem Declaration definition over the IHRA definition, but that preference is immaterial given that the conduct alleged herein readily satisfies both definitions.



or Zionism (for example, at a political meeting),” and “[d]enying the right of Jews in the State of Israel to exist and flourish, collectively and individually, as Jews, in accordance with the principle of equality.” (Guidelines 8 & 10). IHRA contemporary examples of antisemitism include: (1) denying the Jewish people their right to self-determination, *e.g.*, by claiming that the existence of a State of Israel is a racist endeavor; (2) applying double standards by requiring of [Israel] a behavior not expected or demanded of any other democratic nation; (3) drawing comparisons of contemporary Israeli policy to that of the Nazis; and (4) holding Jews collectively responsible for actions of the state of Israel.

20. Accordingly, pursuant to federal law, and by incorporation under its nondiscrimination policy, Haverford is prohibited from discriminating against Jewish students and faculty based on their commitment to Israel, including by acting with deliberate indifference in the face of a severe or pervasive hostile environment for those who share this commitment.

#### **B. Anti-Discrimination, Harassment, and Bias**

21. The Anti-Discrimination, Harassment, and Bias Policy (hereafter, “Bias Policy”) posted on Haverford’s website and in effect during the 2023-2024 academic year states:

The College recognizes that a learning environment that encourages free inquiry and open-minded, robust discussion, and intellectual debate, at times may cause discomfort for its participants. *However, the College does not protect or tolerate behaviors on campus that may cause harm by constituting targeted harassment or bias.*

(emphasis added).

22. Haverford administrators are responsible for enforcing Haverford’s Bias Policy against faculty and students who engage in antisemitic discrimination and harassment. Under the Bias Policy, the College “is required to conduct a thorough inquiry and address all reports of bias incidents of which it becomes aware.” After a complaint is filed, a Bias Reporting Committee

(“BRC”) including Vice President Young and Dean McKnight performs an “initial screening process and determines whether the case will proceed.” If the BRC determines that the reported incident “does not constitute an act of violation of the policy,” the BRC “will communicate with the reporting individuals to inform them of the decision.” If the BRC determines that “there is sufficient information in the report for potential violation of the policy,” the matter is referred to a Bias Incident Response Team (“BIRT”). The BIRT is charged with determining whether “there is sufficient information to launch a formal investigation,” in which case it “will notify the reporting individual and responding individuals with a written notice about the launch of the investigation.”

23. For complaints of discrimination and harassment by students, the BIRT may make referral to and/or specifically consult with Dean McKnight and the Student Handbook. For complaints of discrimination and harassment by faculty, the BIRT may make referral to and/or specifically consult with the Provost’s Office, Human Resources, and Faculty Handbook.

24. During BRC and BIRT review, and prior to the launch of a formal investigation, Haverford can undertake “protective actions” including “changes in campus housing; limits on participation in student activities; changes in academic or employment schedule, arrangement, or supervision; withdrawal from academic projects; and temporary leave for faculty or staff.”

25. A formal investigation can result in “resolutions” that include, but are not limited to: (1) “mediated conversation with the reporting individuals, responding individuals, and any other individuals who are involved in the investigation”; (2) “written communications, listening sessions, training, and educational opportunities”; (3) “[c]hanges in status or relationship to the community”; (4) “[p]olicy-change recommendations and/or updates to existing policy”; (5) “[d]isciplinary action”; and (6) “[s]upportive measures or resources that may include referral to

counseling, campus and off-campus resources, etc.”

26. Haverford has failed to apply these policies to protect Plaintiffs from discrimination and harassment on the basis of their commitment to Israel. Plaintiffs and other community members have filed bias reports regarding antisemitic harassment and discrimination, have repeatedly reported their concerns directly to campus administrators, and have enlisted the assistance of Jewish leadership on campus and in the greater Philadelphia area to make further appeals on their behalf, as detailed more fully below at ¶¶35-36. Haverford has repeatedly ignored or downplayed these reports and requests and has failed to undertake appropriate investigations or implement adequate remedial measures. Further, Haverford has failed to adopt mandatory antisemitism training, and other measures outside its Bias Policy to effectively protect its Jewish students against harassment and abuse, despite repeated requests by Jewish clerical leaders at Haverford. As a result, Plaintiffs have been deprived of the opportunity to live and study with the protection of the nondiscrimination policies Haverford has committed to, as mandated by federal law.

### **C. Honor Code**

27. In addition to the antidiscrimination and bias policies described above, Haverford also maintains student judicial procedures governed by the Haverford Honor Code and overseen by students on the Honor Council.

28. The Honor Code processes are wholly inadequate to address the flood of antisemitism on Haverford’s campus: instead in certain ways described below, they endorse or even require it. In general, Honor Code provisions and processes address personal confrontations between two individuals, not coordinated intimidation and harassment by large groups of students (often masked and unidentified) targeting a smaller group of students. In addition, these processes are

overseen by Honor Council members who themselves took part in and supported the very misconduct and violation of Haverford's Nondiscrimination and Bias Policies of which Plaintiffs complained. Furthermore, the Honor Code itself embeds a facile dichotomy between "marginalized" and "privileged" groups, which anti-Israel students have consistently weaponized to bully and silence Plaintiffs, with the assertion that Jews committed to Israel are necessarily "privileged," while those who reject that commitment are "marginalized." Recourse to the Honor Code would therefore have been futile for Plaintiffs in addressing the harassment and discrimination at issue in this lawsuit.

29. Nonetheless, Haverford administrators repeatedly informed Plaintiffs, their parents, and other members of Jews at Haverford that they should address antisemitic harassment and discrimination under the Honor Code's remedial process. For example, on December 12, 2023, a Jewish parent wrote to President Raymond describing the sense of "betrayal" her son felt at the hands of his peers and the isolation and demonization he felt as a Jew committed to Israel. President Raymond responded: "Given your son's experience, if he feels that he experienced activity counter to the Code, I would encourage him to consider whether he wishes to use the Code's various processes as a pathway toward reconciliation." This response was emblematic of Haverford's endorsement of the Code's discrimination against Jews committed to Israel, and Haverford's response to appeals for intervention from Plaintiffs, their parents, and Jewish community leaders.

30. Plaintiffs were entitled to recourse under Haverford's Nondiscrimination and Bias Policies, which do not require exhaustion of any Honor Code process.

31. Haverford administrators abdicated responsibility when refusing to enforce the Nondiscrimination and Bias Policies and instead deflecting to the inapplicable and futile

processes purportedly available under Honor Code.

## V. HAVERFORD'S FAILURE TO PROTECT JEWISH STUDENTS

32. Even when approached directly by Plaintiffs, Haverford administrators with authority and responsibility to take disciplinary action and create a safe learning environment have refused to address antisemitic conduct and protect Jewish students.

33. Indeed, Plaintiffs have well-founded concerns that McKnight and Young—the very administrators primarily responsible for overseeing Haverford's response to antisemitic discrimination and harassment—they themselves lack the necessary understanding to deal with bias and discrimination against Jews committed to Israel.

34. For example, on November 25, 2023, Haverford students held a community-wide vigil for a Palestinian student who had been shot in Vermont along with his two Palestinian friends. The vigil was supposed to rise above politics and unite the Haverford community, and pro-Israel students and leadership made a point of attending to show support for their classmate and his community. Rather than delivering a unifying message, however, Vice President Young took the occasion to link the shooting—rashly and baselessly—to a supposed “genocide” Israel was committing against Palestinians. This message was divisive, misleading, and antisemitic.<sup>5</sup> Plaintiffs discussed this incident amongst themselves and concluded, to their dismay, that they could not trust Vice President Young to take seriously their concerns about antisemitic harassment and discrimination.<sup>6</sup>

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<sup>5</sup> Contrary to Young's implication, the shooting was *not* committed by a supporter of Israel. To the contrary, the shooter himself wrote: “[T]he notion that Hamas is ‘evil’ for defending their state from occupation is absurd. They are owed a state. Pay up.” <https://www.sevendaysvt.com/news/driven-by-hate-man-charged-in-burlington-shooting-was-a-volunteer-with-a-troubled-personal-life-39673363>.

<sup>6</sup> A Haverford alumna wrote to Wendy Raymond on Nov. 29, 2023, regarding the vigil, that instead of calling for

35. On January 31, 2024, the affiliate advisors of Hillel and Chabad met with Dean McKnight and Vice President Young, as well as Provost Linda Strong-Leek and President Raymond's Chief of Staff, Jesse Lytle. This meeting took place after the advisors' repeated requests for an opportunity to address the antisemitism problem at Haverford had been consistently ignored. The Jewish representatives described the fear and isolation experienced by Jewish students at Haverford, underscoring that, in this climate, Jewish students simply did not feel safe on Haverford's campus. When asked what assurances they could provide to Jewish prospective students and their parents, the Haverford administrators responded that racial minority students had never felt safe at Haverford, and that Jewish prospective students *should not expect* to feel safe and should instead prepare to be "brave." The advisors therefore could not reassure Jewish students and their parents and instead had to caution Plaintiffs that Haverford administrators had expressed no intention to use their authority to protect them from discrimination and harassment. The Jewish leadership present were stunned by this response.

36. A subsequent meeting to address the issue of antisemitism at Haverford which took place on the Haverford campus on April 16, 2024, this time included the very highest leadership of the greater Philadelphia Jewish community. At this meeting Vice President Young once again stunned Jewish leaders when she informed them that historically at Haverford, members of the LGBT community had to be closeted; members of the Black/Brown community had to be quiet about anti-Black racism; and that now Jewish students needed to condemn "genocide" rather than reporting antisemitism. Jewish leaders were horrified by Young's willingness to explicitly condone antisemitism against Jewish students who maintain a connection to Israel and reject the

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unity amongst Haverford students, V.P. Young instead chose to speak of the "genocide" in Gaza, which was "incendiary, racist, inflammatory, and antisemitic." No response to this communication was received by the sender, and to Plaintiffs' knowledge, information and belief, no action was taken in response to the communication.

charge that its conduct is genocidal. The only positive result of the meeting, they thought, was that Haverford leadership promised to hold more meetings with them. Despite that promise, no subsequent meetings have been held.

**A. Haverford's Culture of Discrimination Against Jews**

37. Even before the October 7 terrorist attacks and the ensuing war in Gaza, Haverford tolerated a culture of discrimination against Jewish students.

38. In 2020, students led a “student strike” in response to the killing of a Black man by a Philadelphia police officer. Numerous student organizations signed a petition supporting the objectives of the student strike. But when a pro-Israel Jewish student group attempted to sign, the student strike leaders told the Jewish students to “get the f\*ck off the document” and to “f\*cking choke.” The Jewish student group was the only student organization that was not allowed to sign the petition.

39. Also in 2020, a Chabad-affiliated student group asked to join an ethnic affinity group at Haverford College, which was open to all other ethnic groups. The request was rejected on the purported ground that Chabad has “a questionable history with the strike” and the Chabad group was advised that “other members of the affinity group board would be most comfortable if you did not join.”

40. Subsequently, at the beginning of the 2023-2024 academic year, select students and members of the College admissions team, including a member of Jews at Haverford, met to review student applicants for tour guide positions with the College Office of Admissions. Students on the selection committee rejected a number of applications on the ground that the applicants “are Zionists.” Two Haverford College administration employees were present and witnessed this but said nothing to challenge these decisions.

**B. Haverford Fails to Support its Jewish Students in the Wake of the October 7 Massacre**

41. The October 7, 2023, Hamas terrorist attacks, which involved mass rape and torture, the murder of over 1,200 Israelis, and the brutal captivity of another 251 Israeli citizens and residents, spurred a corresponding onslaught of hate at Haverford against Israel and against Jewish students with a commitment to Israel. Jewish students at Haverford, especially those with friends and family in Israel, reeled from the news of the devastating attacks.

42. Hamas sympathizers on campus quickly organized to demonstrate their support for the terrorist attacks and to vent their hatred of Israel and Zionists, on social media and in person. This organizing took place in the public domain, through Haverford-related social media accounts and on campus. Yet even as the drumbeat of harassment and discrimination intensified, Haverford administrators and policies protecting Jewish students were nowhere to be found.

43. Haverford made no public institutional statement focused on the attacks in their immediate aftermath. Plaintiffs were hurt and dismayed given the shock, fear, and pain they were suffering, and by their knowledge of the enormous and unqualified solicitude the College has historically shown for students of any other ethnic or identity groups whose members are attacked elsewhere in the world.

44. On October 9, 2023, Dean McKnight and Vice President Young sent a community email addressing “several tragedies across the globe” that had occurred “[s]ince the start of this semester.” McKnight and Young gave primacy in their email to “devastating earthquakes in Morocco and Afghanistan, wildfires in California, Hawaii, and Canada, and hurricanes in the Caribbean and southeastern United States,” before obliquely referencing “large-scale acts of aggression, like the continuing Russia-Ukraine war and, now, the outbreak of war in Israel and Gaza.” They made no mention of Hamas or its atrocities and failed to note who was responsible



for the “outbreak of war,” instead observing that “[t]he escalation of violence in Israel and Gaza over the weekend builds on a long and complex history.”

45. When a Jewish student leader and member of Jews at Haverford complained about the email’s failure to specifically address the Hamas terror attacks against Israel, Dean McKnight responded: “I got emails from all different individuals; I can’t make everyone happy.”<sup>7</sup> A Jewish faculty member wrote to inform Dean McKnight that his statement was “wholly inadequate” when “what we’ve seen in Israel is nothing less than war crimes.” McKnight responded that “institutional statements are often inadequate.”

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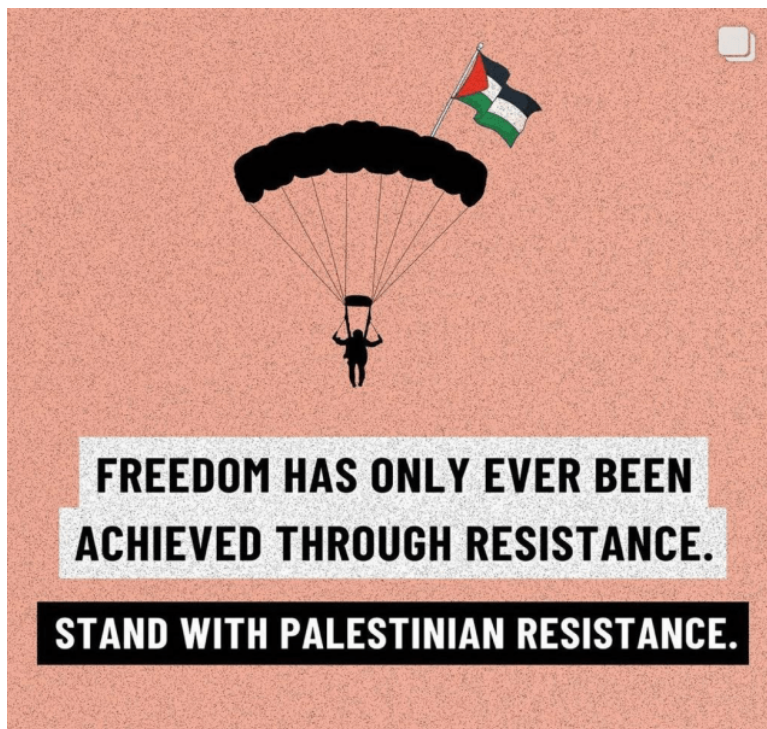
<sup>7</sup> Plaintiffs acknowledge that administrators are accorded wide latitude in matters of campus governance, and do not allege that Dean McKnight’s email *alone* created or caused a hostile environment. Rather, Plaintiffs allege that the indifference showed by Dean McKnight in this incident, together with the other alleged instances of administrative indifference and inaction, contributed to the conditions for a hostile environment on Haverford’s campus.

### C. Haverford Tolerates Antisemitic Social Media Postings and Conduct

46. All the while, anti-Israel Haverford students and student groups began publicly posting harassing and discriminatory content on social media. As one Jewish student later described in a January 2024 post issued through the Haverford Political Science Department messaging service:

It seemed obvious to me that the entire world would mourn and that all peace-loving people would denounce such a vicious attack on civilians. To my disbelief, that is not what I saw in the immediate aftermath of the attack. Instead, I saw infographics on Instagram within the Haverford and Bryn Mawr College community like this (Fig. A) the very next day, that patently disregarded the innocent men, women, and children brutally murdered.

Figure A:



The Israeli counteroffensive had not yet begun, and the only dead were civilians in Israel and terrorists. Up until October 7th, I had truly believed that at a liberal arts institution like Haverford in the 21st century, there was no place for antisemitism, but I do not know how else to label cheering the death of innocent Jews.

47. Plaintiffs filed bias reports regarding these posts. When Haverford failed to act on these bias reports, Plaintiffs and other concerned community members brought these postings to the

attention of Haverford administrators directly. Yet Haverford administrators have done nothing to discipline or restrain the students who posted, and continue to post, such messages.

48. Hostile postings were not limited to student authors. Rather, in the wake of the October 7 attacks, and continuing to the present, Haverford faculty have authored and reposted public messages on social media targeting Jews committed to Israel and calling for the wholesale elimination of Israel as a Jewish state, among other antisemitic messages. These messages clearly violated Haverford's nondiscrimination policy and contributed to the hostile environment experienced by Jewish students at Haverford.

49. For example, on or about October 11, 2023, Professor Tarik Aougab publicly praised the Hamas atrocities of October 7 on social media, calling for "unequivocal and firm support for the Palestinian resistance" and reposting a message stating that defenders of Hamas's brutal terrorist attack "should never have to apologize for celebrating these scenes of an imprisoned people breaking free from their chains." Aougab later publicly attacked Haverford students who support Israel, calling them "racist genocidaires." And he announced that he would not provide recommendations for students seeking to study in Israel. Several members of Jews at Haverford, including an alumna and parent of a current student majoring in math<sup>8</sup> wrote to President Raymond regarding their horror that someone who publicly celebrates the brazen and barbaric murder of Jews is paid by Haverford to teach their students.

50. On March 31, 2024, an event called "How Do You Jew?" brought together Haverford Jews to discuss what being Jewish means to them and how they express that sense. Many students who spoke talked about the pain of October 7 and its aftermath, and how painful life has

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<sup>8</sup> Among other duties, Professor Aougab teaches an introductory required mathematics class. Students are therefore unable to avoid being in his class.

been on Haverford campus as a Jew. President Raymond attended this event. When it concluded, several Jewish Haverford students asked Raymond for her reaction to Professor Aougab's repost of a photo of a bulldozer smashing through a barrier from Gaza into Israel to begin the Hamas attack. President Raymond's response was that the post "could be perceived in many ways." When pressed about what *she* perceived, President Raymond effectively endorsed the post, responding that she "heard people breaking free from their chains." Preposterously, President Raymond added that there were "peaceful" people from Gaza who crossed into Israel through the destroyed fence on October 7. President Raymond's callousness inflicted enduring pain on those Jewish students, who discussed this incident repeatedly amongst themselves and the larger Jews at Haverford group.

51. On October 12, 2023, just five days after the October 7 Hamas atrocities and well before the Israel Defense Forces had begun a concerted response to those attacks, Professor Gina Velasco, Haverford's Director of Gender and Sexuality Studies, changed her Facebook profile picture to blame *Israel* for the massacre of innocent *Palestinian* civilians. Then, in the immediate aftermath of the November 25 shooting in Vermont of a Palestinian Haverford student and two Palestinian friends, Professor Velasco posted to her Facebook page that the victims were shot "for speaking Arabic and wearing keffiyehs.... #FuckZionism #Fuck Islamophobia #FuckantiArabacism."

52. On December 11, 2023, an alumna wrote to President Raymond about Velasco's posts. Raymond's chief of staff responded, "acknowledging receipt" and noting that "the College has systems and policies in place to safeguard academic freedoms while addressing related concerns." That same alumna wrote back on Jan. 15, 2024, informing him that not only has Professor Velasco not removed her attacks on Zionists, but that she has now blamed Zionists for

the shooting of a Palestinian student in Vermont. No further responses, and no substantive responses of any kind, were forthcoming from Haverford. Professor Velasco remains employed by Haverford and, upon information and belief, has not faced any discipline for these posts.

53. On February 28, 2024, an alumna informed the College that she could no longer continue with her volunteer role of assisting with admissions because of the widespread and unchecked antisemitism on campus. She felt she could no longer honestly tell Jewish students that they would be comfortable at Haverford. This former alumna later rescinded her donation to the College because of its continuing to allow the uninterrupted flow of antisemitism on campus. No substantive response was received to this communication.

54. Between August 15 and August 19, 2024, Professor Guangtian Ha, an associate professor of Religion, authored a series of incendiary and obscene posts attacking Plaintiffs and any other Jew committed to Israel. In one post, Ha advised that “the only way to deal with Zionists”—presumably including his students—“is to stop talking to them and refuse to let them waste your time.” In another post, Professor Ha said: “Anyone who says ‘what about Hamas’ can go f\*\*\* themselves.” In yet another post, Professor Ha opined: “By this point matter is no longer just ceasefire. The state of Israel must be dismantled and the society de-Nazified. Arms embargo, sanction, boycott, attack Zionism on all fronts. Zionism is Nazism, it is fascism. Zionists are racists.” Professor Ha also announced of people in “my little world,” i.e. Haverford, who are silent on this genocide or even tacitly support it,” including all Plaintiffs: “I will never forgive them. I know their names and I know their faces. Never forgive. No reconciliation.” Professor Ha posted that “Zionism is fundamentally a modern racist ideology that has next to nothing to do with Judaism as an ancient religion.”

55. Plaintiffs learned of Professor Ha’s posts and understood them as hostile denunciations of

their Jewish commitment to Israel. Professor Ha's statement that he knew the "names" and "faces" of Jewish supporters of Israel on campus was genuinely threatening and may well have violated state law and other Haverford policies beyond discrimination and harassment.

Obviously, these posts make clear that Jewish students connected to Israel cannot safely take a class with Professor Ha.

56. These posts by Professor Ha were made known to Haverford's leaders at least with the filing of Plaintiff's First Amended Complaint on September 9, 2024. So far as is known to Plaintiffs, neither President Raymond nor any other representative of Haverford has ever taken any action to cause Professor Ha to cease issuing such denunciations of Plaintiffs' commitments. Professor Ha remains employed by Haverford.

57. Professor Aougab's postings celebrating the Hamas terror attacks and attacking Jews for their commitment to Israel were discussed extensively in the WhatsApp group by Jews at Haverford. Plaintiffs learned about Ha's and Velasco's posts no later than May or August of 2024. All Plaintiffs were hurt and threatened by them. As more fully alleged below, Professor Aougab issued an announcement on his official Haverford webpage that he will [not write letters of recommendations](#) for any student who, inter alia, plans to work or study at an Israeli academic or cultural institution. Plaintiffs learned of and discussed this offense as well.

58. When Dean McKnight was asked in April, 2024 by an alumnus why Haverford did nothing to condemn antisemitic messages when they clearly would be sanctioned if directed against, for example, gay or transgender groups, McKnight claimed these were instances of off-campus protected speech and stated that derogatory attacks on other minority groups are "different" than attacks against Jews who are committed to Israel, such as lauding terror attacks against Israel itself.

59. Professor Aougab's post was specifically called to the attention of President Raymond by the parents of then-current students in the fall and spring of 2023-24, and by an alumna on February 27, 2024, and by the Demand Letter Plaintiffs' counsel sent to Haverford on February 9, 2024. See Exhibit B hereto. To Plaintiffs' knowledge, neither Raymond nor any other person acting on behalf of Haverford has ever taken any action to discipline Professor Aougab or Professor Ha because of their posts. Instead, in Spring 2024, Haverford announced it that had hired yet another professor who publicly glorified the October 7 terror attacks. Namely, Christopher R. Rogers, hired as a Visiting Assistant Professor at the College's Writing Center, publicly posted his praise for Hamas's atrocities, tweeting that on October 7 there were "beautiful sights to wake up to this morning."

60. The treatment of these posts stands in stark contrast to the treatment of posts supporting the Jewish commitment to Israel. Plaintiff Barak Mendelsohn is a tenured professor at Haverford, specializing in Middle East security and terrorism. Professor Mendelsohn is Jewish, and he was born and raised in Israel. He is a member of Jews at Haverford.

61. Professor Mendelsohn has found it difficult to sleep since the Hamas-led pogroms on October 7, 2023. Because of the impact on Professor Mendelsohn of the attacks on him at Haverford, he has had to assure his wife on at least three occasions that he is not going to kill himself.

62. In light of his area of expertise, Professor Mendelsohn scheduled a teach-in for October 11, 2023. Before the event, Dean John McKnight wrote to Professor Mendelsohn stating that the program "needs more diversity." Mendelsohn learned from others that a protest against the presentation was likely. Nevertheless, Professor Mendelsohn decided to go forward with the

teach-in, without additional speakers.

63. Shortly after Mendelsohn's teach-in, another Haverford professor, Gina Velasco (referenced above as the person who had publicly tweeted "Fuck Zionism") held her own teach-in. It was not only one-sided but a virulent attack on Israel, Zionism, and anyone who supports either. On information and belief, no request from the College was made that this event "need[ed] more diversity." The event was so hostile to the Jewish commitment to Israel that a parent wrote to President Raymond complaining about it. The complaint received no response.

64. While Professor Mendelsohn strongly believes in the right of Israel to exist as a Jewish state, he has long been sharply critical of Israeli Prime Minister Benjamin Netanyahu and the governments he has led, especially regarding the treatment of Palestinians in Israel and the surrounding territories.

65. Thus, Professor Mendelsohn not only supports criticism of Israel, he has himself on many occasions engaged directly in such criticism.

66. On or about November 29, 2023, Professor Mendelsohn tweeted on his personal Twitter account as follows: "Haverford College has a Jewish problem. Its student body is led by Hamas apologists and tainted by anti-Semitism. If I'm a parent of a Jewish student I will not send them to Haverford College."

67. As a result of this statement, a letter from over 600 individuals identifying as Haverford and Bryn Mawr alumni, students and parents recommending the dismissal or imposition of a severe sanction on Professor Mendelsohn. The letter declared that students were "mobilizing against the ideology that has motivated anti-Palestinian violence from Gaza to Vermont" and



accused Professor Mendelsohn of basing his views on the “disinformation narrative” that “from the river to the sea” is genocidal and antisemitic. It went on to blame the Professor for both his personal mode of expression and for his supposed use of “thought-terminating Zionist rhetorical devices.”

68. On or about December 14, 2023, Haverford Provost Linda Strong-Leek wrote Professor Mendelsohn, notifying him that the College was commencing an investigation into whether statements he made on his private Twitter account critical of those who had signed a ceasefire petition had violated College policies regarding discrimination and harassment as well as general expectations of faculty.

69. At the close of this investigation, Professor Mendelsohn was found not have “engage[d] in discrimination or harassment” but guilty of behavior “inconsistent with the College’s expectations of its faculty.” Since this investigation concluded, new charges have been brought against him by two faculty members at Haverford, one of whom accuses Mendelsohn of “antisemitism.” All relate to his speech about the conflict on his own social media accounts. The College has initiated disciplinary proceedings related to these statements, notwithstanding its claim that social media posts on private accounts lie beyond its jurisdiction and its refusal to discipline faculty who have posted overtly antisemitic and discriminatory comments attacking Plaintiffs and their commitment to Israel.

70. To Plaintiffs’ knowledge, no other Haverford professors have been disciplined or investigated for their social media posts and/or other conduct relating to the October 7 pogroms and Israel’s war against Hamas.

71. As a native Israeli and Jew, Professor Mendelsohn has found the environment at Haverford College to be profoundly hostile since October 7, 2023. Since that date, many Jewish students and faculty members have personally expressed to Professor Mendelsohn the profound sense of exclusion and extreme hostility from others they are experiencing.

72. All Plaintiffs, and most other members of Jews at Haverford, are aware of the treatment meted out to Professor Mendelsohn by the College, and of the disparity between that treatment and the College's failure to do anything about the social media posts by Professors Aougab, Ha and Velasco attacking the Plaintiffs and all other Jews committed to Israel. Plaintiffs view these facts as yet another manifestation of Haverford's hostility to any expression supportive of the Jewish commitment to Israel and its effective endorsement of attacks on that commitment.

73. On or about November 30, 2023, Professor Mendelsohn and Haverford Hillel Rabbi Jeremy Winakur led a meeting of Jewish students experiencing problems with the campus environment. The meeting was kept secret due to student concerns about likely retaliation from fellow students if their concerns and views were made public. Since the date of the meeting, Professor Mendelsohn has remained in regular contact with students who attended the meeting, and others, regarding their difficulties as Jews at Haverford. While Professor Mendelsohn did not personally experience all of the incidents detailed in this SAC, most of the incidents became a matter of immediate public knowledge at Haverford, especially within the Jewish community, and other incidents were contemporaneously brought to Professor Mendelsohn's attention by the affected individuals and their friends.

#### **D. Haverford Tolerates Intimidating and Disruptive Conduct Targeting Plaintiffs**

74. Anti-Israel Haverford students have also engaged in discriminatory and harassing

conduct, including encampments, occupations, targeted attacks on Plaintiffs at plenary and in public statements, and the destruction of flyers advertising Jewish events.

75. The following paragraphs set forth details regarding the policy violations by students and faculty and the discriminatory action, inaction and acquiescence by senior administrators, which, together, created an environment at Haverford hostile to Jewish students committed to Israel.

76. These acts identified here are not claimed to be objectionable because they articulate a view with which the Plaintiffs disagree about that commitment. Their significance is that these acts are designed to, and did in fact, make it impossible for Plaintiffs, or any Jew committed to Israel, to articulate, either explicitly or implicitly, that commitment on Haverford's campus. Because of this hostility, expression of the Jewish commitment to Israel on Haverford's campus is impossible -- at all, or without being subjected to abuse and attack which is intended to silence any articulation of that commitment. As will be evident from this account, many of these actions are explicit calls for the removal from campus of "Zionists" or anyone else who shares or gives voice to this commitment. These calls for making Haverford's campus a Zionism-free zone have been heard and respectfully engaged with by Haverford's leadership. They have never been condemned by any Haverford administrator.

77. As alleged in further detail below with respect to each act, senior administration, including some or all of President Wendy Raymond, Vice President Nikki Young, and/or Dean John McKnight, was put on notice of each of these acts. None of those officials, or any other Haverford administrator, caused Haverford to take any steps to ameliorate the hostile environment caused by these acts. As more fully alleged below, these leaders of Haverford College at times joined in or praised these acts.

78. As alleged in further detail below with respect to each of these acts, the Plaintiffs were aware of each of these acts either because they witnessed them personally or because they learned about them subsequently. As a result, each of these acts has affected each of the Plaintiffs and contributed to the hostility that each of these Plaintiffs experiences at Haverford to their commitment to Israel.

## VI. HOSTILE ACTION BY STUDENTS

### A. The ADL Event

79. The most recent of these events is the most illustrative. On September 30, 2024, Haverford hosted a presentation by the Anti-Defamation League entitled “Anti-Semitism 101.” In the weeks prior to the event, students thrust flyers into the hands of everyone they passed on campus. Those flyers claimed that the ADL is a “genocidal, racist, antisemitic organization,” and were part of a larger organized movement to #DroptheADL. These students insisted the ADL event be canceled so that the ideas and commitments which ADL sought to explain would not be heard on Haverford’s campus.

80. Immediately prior to the event, which took place in a room with windows, anti-Israel Haverford student-protesters zip-tied the blinds on the windows so they couldn’t be closed. This was discovered and the zip ties were removed before the event began. The students who had zip-tied the blinds mobbed the space outside the windows throughout the event, banging on cowbells and pots with spoons and shouting, with the use of a bullhorn. Had the blinds remained zip-tied as planned, the mob’s intimidation effect would have been even greater than it was. The protesters screamed and banged throughout the event inside, chanting slogans such as, “From Gaza to Lebanon, Israel will Soon be Gone!” and “From the River to the Sea, Palestine will Soon be Free.” Audio recordings of the screaming, banging and chanting through a bullhorn have been submitted in physical media, and are incorporated herein by reference.

81. Inside, while the ADL representative attempted to deliver their talks, they were repeatedly interrupted, by students who, seriatim, suddenly stood up, ripped off their sweatshirts to expose their t-shirts claiming “Not in My Name,” and denouncing Israel and the ADL. Dean John McKnight, who was present at the event, allowed three of these interruptions to take place

without interference or objection. When the fourth interrupter rose to begin speaking, Dean McKnight asked whether there were any others planning to interrupt, and requested that they come forward and participate in what he said would be the last interruption. Vice President Young and President Raymond were also present during the ADL event. Neither took any action to stop the interruptions inside or in any way to address the threatening behavior outside.

82. A Haverford student submitted a Bias Report about what occurred during the event, the response to which is detailed below. Shortly after this event, a Haverford alumna wrote to Wendy Raymond about what occurred outside the event: “We are all horrified by aggressive and purposefully intimidating student behavior of the JVP and SLP on campus.” She further explained that “We saw a group assembled next to the Dining Center windows directly where the ADL Teach In was being held shouting Anti-Semitic and threatening slogans (“from Gaza to Lebanon Israel must be gone” was one, “Stand up fight back” and “by whatever means necessary” were others), carrying signs with slogans such as “No Zionists on campus”, and shouting their support for the terrorist groups Hezbollah and Hamas. Most all of the group had their faces covered with masks.” Finally, she called Raymond’s attention to the failure of Haverford administration to do anything about any of this: “The students actions were offensive and disturbing, but even more so was the inaction of the several HC staff that were standing around doing nothing- or maybe they were there giving support. HC staff from DEI, security, and someone else with no information on the HC badge who said she was Administration, were only a few feet away on the path.”

83. The behavior of the protesters inside and outside room put those attending the ADL event in fear for their physical safety, as Professor Richard Freedman, a faculty member of Jews at Haverford, informed President Raymond after the event.

84. No discipline of any kind was imposed on any of the student protesters who had zip-tied the blinds, banged on pots, shouted through a megaphone throughout the presentation or otherwise sought to disrupt the event through their conduct outside the room.

85. President Wendy Raymond did not need to be notified of these events and actions because she was physically present and witnessed them. She said nothing at all at the event, she did nothing to stop any of it, and she has issued no public statement regarding any of it.

86. Several members of Jews at Haverford were physically present at this event and were frightened and disturbed by the protesters' actions and by the impunity with which the protesters disrupted an event that was supposed to educate the community about antisemitism. All Plaintiffs who were not in attendance learned about this incident either while it was happening or immediately after it ended, other than Ally Landau, who has graduated and learned of it later.

### **B. Plenary**

87. At Haverford, the annual student Plenary plays a pivotal and sacrosanct role in social and academic life at the College. It is the event in which the student body gathers as a community to discuss and vote to ratify various policies, including the Honor Code. It is supposed to be a safe space.

88. The two regularly-scheduled and the one emergency Plenary held at Haverford College during the 2023-24 academic year were largely focused on one-sided attacks against Israel.

89. The Haverford College Fall Plenary took place on November 5, 2023, less than a month after the Hamas massacre in southern Israel.

90. On information and belief, students planning the 2023 Fall Plenary secretly coordinated with members so that Students for Justice in Palestine, an anti-Israel and anti-Zionist organization, and Jewish Voice for Peace, which has the same goals as SJP but the name of

which implies Jewish membership, so that these anti-Israel members could condemn Israel's existence and demand that the entire student body adopt a resolution calling on Israel to cease defending itself from Hamas. Many SJP/JVP members therefore signed up in advance to speak during the public comment segment. Using their advance knowledge of what would transpire during Plenary, these hostile students also prepared a PowerPoint presentation to be shown during the event, and displayed a huge banner "From the River to the Sea, Palestine Will be Free." Plenary was ready with equipment to present the PowerPoint.

91. Plaintiffs received no notice of this secret plan to use Plenary to bash Israel, Zionism and the Jewish commitment to Israel.

92. All Plaintiffs were present at this Plenary and personally witnessed the events described here. Certain of them sought to speak, to articulate their views and their commitments, but were not permitted to do so, on the asserted ground that all of the speaking slots had already been claimed—by the SJP/JVP students who had signed up in advance, because only they were aware of what the content of the meeting would be.

93. During this event, some members of Jews at Haverford furiously texted each other wondering what they could do to stop the onslaught, but most simply expressed agony.

94. Both President Wendy Raymond and Dean John McKnight were physically present at this event, and observed that Plaintiffs sought, but were being denied, the right to speak.

Although each of these administrators had the authority to intervene and ensure that the student Plaintiffs were given an opportunity to respond, they did not do so. After members of Jews at Haverford asked that he intervene, McKnight sent a text to the Students Council leadership suggesting that they reconsider and allow the Jewish students to speak, but this note was ignored, and the Administration made no further efforts to ensure that the public comments section



offered a balance of opinions and information on one of the most controversial and explosive topics circuiting the globe. President Wendy Raymond witnessed the verbal assaults on the Jewish State which dominated the student participation portion of Plenary, but she did nothing.

95. When Fall Plenary concluded, President Raymond publicly praised it as a “great success – way to go, Haverford students!” thus demonstrating not just complete indifference to, but outright support for, the fact that Jewish students committed to Israel had been brutalized and silenced at the event.

96. Six parents of Haverford students wrote to Raymond on November 16, 2023, and explained the impact on their children of the event and the administration’s failure to act:

As you may know, during the November 5, 2023, plenary session, several students presented a poster with the slogan “From the River to the Sea.” While it’s important for students to have a forum to express their beliefs, this particular phrase is incendiary at best and flatly inconsistent with the Quaker value of peace. The Anti-Defamation League and many Jewish people consider those words to be an antisemitic trope that calls for the elimination of the State of Israel and the genocide of all Jews.

Our Jewish kids are feeling vulnerable and fearful of speaking up. Your letter to the community on November 9, 2023 stated that “antisemitism is not and will not be tolerated.” Without strong and specific condemnation, though, Haverford students are being taught that terrorism is acceptable and that there is a place for antisemitism on campus.

We are left wondering, what actions have been taken by Haverford to help its Jewish students feel safe in the Haverford community? Many are experiencing Jewish hate as tolerated on campus. What will be done to prevent Jewish hate on campus in the future?

97. In response to being silenced at this Plenary and in the face of the Administration’s inaction and President Raymond’s praise for this procedure, on November 8, 2024, and with permission from Dean McKnight, Ally Landau sent a letter “In the name of many concerned Jewish students at Haverford and Bryn Mawr” to the entire Haverford community using Haverford’s all-college email system. Ally alone signed the letter because the other Jews at

Haverford were so fearful of having their own names attached to anything that branded them as supportive of the Jewish State. That letter is attached hereto as Exhibit C.

98. That letter was an effort to respond to the SJP/JVP's otherwise unanswered attack on the Jewish State at Plenary, and it defended Israel's right to exist and to its self-determination and self-defense.

99. Partially in response to Ally's letter, students published what they entitled the "Haverford Grievances Document", which is attached hereto as Exhibit D. The document was issued sometime after November 27<sup>th</sup>, 2023, and demanded a response by December 1, 2023.

100. This Grievances Document asserted that Ally's articulation of the beliefs and commitments of these Jewish students was a cause for a Palestinian Haverford student's being shot in Vermont over the 2023 Thanksgiving vacation.

101. The Grievances Document was widely circulated throughout Haverford's campus, and every Plaintiff was aware of its content and of its baseless attack against Ally.

102. Haverford administrators knew of the Grievances Document and its attack on Ally, but when it was released, they failed to take any action to protect Ally. This fact too was known to each of the Plaintiffs. Ultimately, a worried member of the Haverford Community contacted Ally's parents, Jeff and Michele Landau, on November 30, and informed them of the potential danger to Ally created by the appearance of her name in the Grievances Document.

103. The Landaus contacted President Raymond, and insisted that the College take action to protect their daughter. President Raymond refused to identify any action she would take on Ally's behalf, and initially refused to take any at all. Even after the Landaus continued to press, the only thing the Haverford College president grudgingly agreed to do was that she and her Administration would attempt to remove Ally's name from the circulating Google Doc version of

the Grievances Document. They also suggested that Ally avail herself of mental health services. But the substance of the accusations against Ally remained in the document, and her identity was already known because of her campus-wide letter.

104. At least one member of the College Administration acknowledged that the Grievances Document contained “elements . . . reasonably read as anti-semitic,” but President Raymond informed the Landaus that she would only speak to the Document’s authors about “restorative justice,” – i.e., resort to “enforcement” of Haverford’s Honor code—and would not take any punitive action. This was a dead-end that would have served only to invite Ally’s peers to heap further scorn and abuse upon her. Raymond publicly thanked the authors of the Grievances Document for engaging with her and the College Administration, and praised the Grievances Document itself as “dialogue” that Raymond found “open, honest thoughtful and constructive.”

105. Raymond’s response to the Grievances Document carefully and respectfully addressed each topic in it, promising responses within 24 hours as well as a series of meetings, scheduled within a day or two, as the students had demanded. She said nothing, then or at any other time, about antisemitism or about the Document’s assertion that Ally’s articulation of the Jewish commitment to Israel was a cause of the violence. Rather than condemning this accusation, President Raymond claimed that Ally’s statement that SJP/JVP members had “hijack[ed]” the Plenary was morally equivalent to their calls for the extermination of the Jewish State. All of these acts and failures to act by Raymond were known to the Plaintiffs shortly after they occurred, and further cemented their conviction that the College did not care about harassment and threats to them from their fellow students, and that the College would do nothing to stop those threats from continuing to be made.

106. From February 29 – March 3, a second, “emergency” Plenary was held, devoted entirely

to efforts to adopt a resolution condemning Israel for fighting against Hamas, and demanding that Israel agree to a cease-fire immediately.

107. This “Emergency” Plenary was conducted through a series of clear violations of the Haverford rules governing in-person voting at Plenaries and the rules the students had themselves put in place for the governance of Plenary proceedings, including:

- The Haverford Constitution mandates the physical presence in the same room at Plenary of a quorum of students, with carefully defined relaxations of that requirement for students with disabilities or those with claustrophobia. The rules specify that if a quorum is lost the meeting must be suspended or ended. Rule 4.02(g)(i).
- The rules further provide that, simultaneously with the requirement that a quorum be physically present, only students who are physically present may vote. Rule 402(g)(iv).

108. But the Emergency Plenary was held over four days, during which voting took place during three of the days and without any fixed location, including tables set up outside the library where students were importuned to sign.

109. Students’ Council Co-Presidents admitted to at least one member of Jews at Haverford that the Plenary rules had not been followed.

110. The rules were violated solely because the leaders of Students Council hoped to use this event to cause the adoption of a resolution calling for Israel to immediately cease its war against Hamas. In clear violation of Plenary rules, the voting deadline was extended in an attempt to reach quorum. However, the resolution did not pass as quorum was not reached, in part because

Jewish students refused to participate.

111. Haverford's Administration was put on notice of these violations no later than February 25, 2024, by a letter to President Raymond from Haverford alumnus Bryan C. Hathorn. That letter is attached hereto as Exhibit E. It, and its warnings, were completely ignored by Haverford College. In addition, a letter was sent to Raymond by a woman who is both an alumna and a parent, calling Raymond's attention to the rule violations of the emergency Plenary. Another parent wrote her on February 28, 2024, that her responses to antisemitism on campus were wholly ineffective: "it appears that you are dealing with antisemitism on campus by occasionally issuing timid missives that neither antisemitism nor Islamophobia will be tolerated, but there is little evidence either that those pronouncements are heeded or that there is any enforcement."

112. At a staff meeting later in March 2024, President Raymond and Dean McKnight effusively praised the efforts of the Students' Council to get the resolution passed.

113. All of the Plaintiffs were aware of the events taking place during the Emergency Plenary, and were either physically present for some of it or chose specifically to avoid it because they knew it would consist entirely of denunciations of their beliefs and identity.

114. When Spring Plenary was held, a student stood at the entrance and offered every person who entered a Palestinian flag, thus forcing entrants to either accept the flag or to be seen publicly refusing it—something that would lead to attacks, shunning and worse. At this Plenary the ceasefire resolution finally passed.

115. Immediately after this event, the mother of a Jewish Haverford student wrote to Raymond:

I am devastated. Tonight, I spoke at length with my son, [REDACTED], who described what plenary was like for him today. He said he walked in and felt unwelcomed and

discriminated against since Palestinian flags were handed out and the main focus was passing the same ceasefire resolution that didn't pass a few weeks ago. He had voted "no" in the anonymous online vote but felt "really stressed out" to vote honestly, given the immense pressure not to be singled out amongst the outspoken cohort of students who want to set Israel apart from all of the nations in the world and thereby openly express their hatred for the Jewish people. Voting by publicly showing one's opinion did not go well for my shy son who could not stomach unwanted, negative attention. He didn't want even his good friends to know where he stood because the message on campus is to vote against Israel or be shunned.

So, against his gut and heart, [my son] voted yes today. He 100% does not support a ceasefire but didn't feel comfortable voting honestly. That is so upsetting as a parent for me to hear that my son didn't have the courage to be genuinely himself. Yet, I get it. He feels that after what happened to Ali this fall and with the endlessness of "Free Palestine" on campus and the permissive nature of Haverford's laissez-faire administration, conformity was safer than speaking out. My son's anxiety about this, his sense of isolation, and his feeling of need to vote against himself and his religion was what he considered to be his best choice - his best choice at Haverford - a school we chose for its community!

Wendy, I've been writing to you since Oct. 7 that your Jewish students do not feel safe on campus to speak their minds. You either ignore me or send me a generic email about how "many students are seeking common ground across their peers, seeking unity across differences." You might be kidding yourself but you are not fooling me or your Jewish students.

There is a private WhatsApp group among several concerned Jewish students at Haverford and once again, after plenary today, it apparently "blew up" with these students writing to each other about feeling bullied, silenced, pressured, and uncomfortable speaking their minds. Wendy, you wrote to me and said, "I would want to learn more about the expression you are describing as hateful." I keep telling you about these Jew-hating experiences. You aren't doing anything about it, especially for the students for whom it most deeply affects.

116. No substantive response to this communication was received.

117. In the wake of Spring Plenary, on April 9, 2024, the President of the College wrote to the community to highlight that students—particularly Jewish students—“have felt fearful, silenced, or a protective need to self-censor.” Indeed, numerous students felt pressured into voting “for” the resolution against their conscience because votes were required to be public. Other than acknowledge that some Jewish students felt this way, however, Raymond did nothing about the hostility to Jewish students.

### **C. Lecture Claiming Israel Is Murdering Palestinians by Spreading Disease**

118. On March 27, 2024, after substantial pre-event publicity, Haverford students advertised and then conducted a lecture with the announced title “Mass Death on all Fronts: Israel’s weaponization of Covid against Palestinians,” which presented the antisemitic conspiracy theory that the state of Israel has intentionally infected the Palestinian residents of Gaza and the West Bank with Covid. This claim, for which no respectable evidence exists, has exactly the same intellectual or evidentiary merit as the medieval blood libels that sought to hold the Jews responsible for the spread of the bubonic plague, or for claims that Jews murder Christian children so they can use their blood to make matzah for Passover.

119. Many complaints about this event were submitted, by students, alumni, parents and Jewish community members, including the leadership of the Philadelphia Jewish community, who called Haverford’s attention to the similarity between this accusation and centuries-old claims that Jews have murdered non-Jews by spreading disease. When confronted with the obvious antisemitism of this event, Dean McKnight suggested to the Weaponization of Covid’s promoters that they change the name of the event, but he saw no need to change the substance of what was to be said there. The new name, “COVID in Time of Genocide: Teach-in on how Israel uses COVID as a tool for settler colonialism in Palestine,” was even more overtly antisemitic than the old one.

120. The event sparked horror among the Jews at Haverford group, who discussed in their WhatsApp group how to respond:

[3/28/24, 5:41:04 PM] new antisemitism achievement unlocked

[3/28/24, 5:41:49 PM] That’s crazyyy

[3/28/24, 5:42:13 PM] Alright Wendy where’s the statement

[3/28/24, 5:42:24 PM] There will be no statement

[3/28/24, 5:42:29 PM] There will never be a statement

[3/28/24, 5:42:49 PM] Anyhow, WaWa with Wendy is from 8-9pm

[3/28/24, 5:49:35 PM] Anyone wanna go chew her out?

[3/28/24, 5:58:15 PM] After my meeting with her... only the title was change[d]

[3/28/24, 5:58:38 PM] Wow

[3/28/24, 6:04:01 PM] Omg wait no there's more to this haha. McKnight essentially emailed the groups saying "it could be perceived as offensive and they should change the name". Nothing about how the event itself is absolutely not okay.

121. Numerous students, parents and representatives of the Philadelphia Jewish community called the attention of Haverford's leadership, including specifically Wendy Raymond, to the antisemitic nature of the accusation that the Jewish state was intentionally spreading disease to kill civilians. Raymond never responded to these messages.

122. The publication of this attack was defended by Haverford's spokesperson as protected and even valued speech:

Haverford supports its community members' rights to expressive freedom, including around political matters. The ability to challenge ideas and understand conflicting views is foundational to our academic mission. We also expect that even the most well-intentioned individuals will make mistakes in these arenas, and even—and especially—in those moments, we aim to provide learning opportunities that will lead to greater empathy, mutual understanding, and constructive citizenship in a world that is struggling to reach peaceful solutions to conflict," said [Christopher] Mills [on behalf of the Haverford administration].

<https://delawarevalleyjournal.com/haverford-college-students-hold-anti-israel-event/>

#### **D. The Sit-In At Founders Hall**

123. On December 5, 2023, Haverford students occupied the space surrounding, and took over, the Founders Hall building for more than a week. Founders Hall is the main administrative office on the Haverford College campus. It is located on the main quadrangle, is adjacent to the library, and is on the path to Haverford's dining hall. Almost all students must pass through this site nearly every day. The Sit-In took place at the same time that Haverford's annual student



announcement of majors also took place, also at Founder's Green. The Sit-In forced Haverford's Jewish students to choose between skipping the ceremony and conspicuously not joining the Sit-In, with the attendant social opprobrium.

124. The students who took over Founders Hall and Green hung banners outside the building, and daily conducted chants that were intended to, and had the effect of, intimidating and harassing Jewish students committed to Israel. The chants denounced those supporting Israel's existence as advocates for genocide, and called for Intifadah. When a student passed by the sit-in who was identified as supporting Israel's existence, the chants were directed specifically at that student. Jewish students committed to Israel had no choice but to endure this harassment on a daily basis. Their only alternatives were to take lengthy detours around the middle of campus, hide in their dormitory rooms, or flee campus.

125. Professor Tarik Aougab was invited to, and did, present a public talk at Founders Hall during the Sit-in, charging that Israel's creation was an exercise in white supremacy and charging the Jewish state with genocide and apartheid, and denouncing those who are committed to Israel's existence as a Jewish state "racist genocidaires."

126. These attacks and the event at which they were waged denied to Plaintiffs an equal educational experience, and made their presence on campus a source of dread, which could be endured only at the price of constant, face-to-face public denunciation of their ethnic, religious and ancestral commitments by students and faculty.

127. Like all Plaintiffs and everyone else on campus, President Raymond was well aware of the Sit-In while it was occurring. Rather than enforcing Haverford's Nondiscrimination and Bias policies against the responsible student protesters, President Raymond publicly commended the

event, and their conduct, as “a recent example of peaceful protest,” and promised that Haverford College would take “no punitive action” against the participating students for any action taken by them. She thus assigned exactly no significance to the fact that Jewish students committed to Israel were being abused as they walked across campus by the students and faculty conducting the Sit-In.

128. Ally’s parents discussed the Sit-In with President Raymond and explained its impact on Jewish students committed to Israel. Nonetheless, Raymond had publicly issued her praise even though she acknowledged explicitly to Ally’s parents that the Sit-in violated multiple Haverford rules. When Mr. Landau challenged her on how she could allow conduct in clear violation of the College’s rules, President Raymond answered that she feared that if she took action to stop it, even worse behavior by the students would result.

#### **E. Nova Festival Screening and Demand That Zionists Be Banished**

129. On April 14, 2024, a movie about the massacre at the Nova Festival on October 7, 2023, was screened on the Haverford campus, and members of the public were invited. This event was organized and arranged by the Jewish leadership and faculty members. After the screening ended, Haverford protesters demanded an apology from President Raymond for her having the temerity to invite “Zionists” to campus.

130. Numerous Jewish students at Haverford *are* Zionists, and one of them wrote to President Raymond asking why students were allowed to demand an apology for her inviting people who shared this student’s beliefs and identity to the College’s campus—and why Raymond did not respond to this demand by explaining to the students who had issued it that they had an obligation, under Haverford’s policies, to engage respectfully with their Zionist fellow students.

Raymond did not respond to this communication.

131. Plaintiffs were all aware of the demand that President Raymond apologize for inviting Zionists to campus, and were aware that she had said nothing to suggest that such a demand was improper.

## **F. The Encampment**

132. In the Spring of 2024, Haverford's campus was taken over by an encampment of students, and other, non-students, who occupied or barred access to a central College building and college green, and who stated their intention to remain in place until various "demands" were met. <https://docs.google.com/document/d/18JA1Fi7SeVNvjdL2R97miuh-7mhyXNS3C4jLK4HUdJs/edit>

133. Haverford's encampment consisted of tents, banners, and the declaration of a "Liberated Zone." No person not in accord with the demands of these protesters was permitted to enter the Liberated Zone; and because the "Liberated Zone" was at the center of campus, this rendered the heart of the College inaccessible to Plaintiffs. The Liberated Zone featured posters quoting Hamas to advocate for the destruction of the Jewish state, and chants such as "long live the Intifadah." It barred access to Founders' Hall, which Haverford College describes as "the centerpiece of its campus." <https://www.haverford.edu/libraries/news/many-faces-founders-hall> The demonstrators were present, imposing this blockage, for at least three days, remaining on the campus 24 hours a day during that period. Any person who walked past the Encampment and did not express support for this goal was shouted at and insulted while they were concluding their academic semester and preparing for final exams. All Plaintiffs either personally experienced this or knew about it from others who had. Students attempting to study for finals repeatedly

agonized about the disruption in their private message group. The parent of at least one student wrote to President Raymond, worrying about how her child could possibly study, especially since the pandemonium could not be avoided even inside the library.

134. The Encampment was impossible to ignore and it addressed its “demands” directly to President Raymond and the Haverford College Board of Managers, who were physically present because they were meeting in Founders Hall at this time. The leadership did absolutely nothing to limit in any way the overt hostility manifested by these activities—though if such hostility had been displayed in chants directed at any minority group other than Jews because of their commitment to Israel, the response of the Administration would likely have been very different.

135. Every Plaintiff, and, on information and belief, essentially every student at Haverford, was aware of the facts alleged in the paragraphs herein regarding the encampment.

136. One student member of Jews at Haverford wrote to Raymond on April 25, 2024, while the encampment was still taking place:

As the same people have done in numerous other instances, they are impeding the movement of every Haverford person, student or faculty, who is not already standing with them. With bullhorns, they are loudly chanting from the Hamas Charter and (falsely) accusing Israel of “genocide” -- when in fact Israel is engaged in urban combat, defending its Jewish population from terrorists who expressly proclaimed their intention to murder Jews -- i.e. actual genocide -- and then filmed themselves doing exactly that.

As a Jew I experience this conduct exactly as these people intend for me to experience it: as grossly demeaning, insulting and, most important, physically threatening. Glorifying in Hamas’s conduct, and insisting that Israel do nothing to stop Hamas from doing it again, can’t be anything other than a threat to Jews.

You must know that this is the impact of such conduct, because it’s already occurred numerous times at Haverford since October 7. And I know that I, and many of my friends, have repeatedly spoken directly to you about the impact of such conduct on our ability to survive as Jews and as students at this college. You’ve done nothing in the past, and you’re doing nothing now.

Where are you?

What are you doing to protect me and my fellow Jews?

137. The student received no reply this communication. Members of Jews at Haverford, including Plaintiffs, were aware of the communication and aware that no response was received to it.

**G. Members Of the Incoming Students WhatsApp Group Drive Away A Jewish Student**

138. Haverford students conduct a WhatsApp group for incoming first year students. The group manifests such hostility to the Jewish commitment to Israel that a Jewish student who had been offered and accepted Haverford offer of admission found this group so hostile to that commitment that he felt he had to change his plans and go to college elsewhere, explaining

when they hear that I went to a Jewish Day School and am a Jew, I get asked almost immediately if I support Israel and if I'm a Zionist, I either get blocked or ridiculed by other Haverford students who I barely even know.

139. This student advised Dean McKnight of his decision and

the dean called me after my email was passed along to him and he asked me to send him the evidence that I had to then be taken a look at by the honor council which is composed of the student government — the same students that promote the pro Palestine stuff and used intimidation tactics when students were voting on the ceasefire resolution. Those were the people that were going to look into the case.

140. No further action was taken by Haverford after it learned of this student's decision. This event was discussed in the Jews at Haverford WhatsApp group shortly after it occurred, along with the College's failure to do anything other than ask the offended student to provide the evidence. All Plaintiffs learned of it, and of the College's indifference to it. They recognized

these actions for what they were: Haverford's willingness to have its campus be so hostile an environment for Jews committed to Israel that anyone so committed would either leave or not come in the first place.

**H. Orientation For New Students Attacks Plaintiffs' Commitment and Identity**

141. "Customs" is the name Haverford College ascribes to its orientation program for incoming students. It takes place on campus prior to the return of upperclass members. It is an opportunity for new Haverford students to learn about the campus culture and values, as well as its resources.

142. A series of presentations were made at Customs this Fall, including a lengthy one regarding political activity on campus. These presentations are led by upper class Haverford students, who themselves participate in an orientation process to prepare them to make these presentations and to lead Customs.

143. Jewish students who are committed to Israel approached the Haverford administration official responsible for Customs and asked to be permitted to make a presentation to the students who would lead Customs about the views of these students relating to events on campus touching on Israel during the 2023-2024 academic year, including student demonstrations and other issues, many of which were the subject of the original complaint in this action.

144. These Jewish students were afforded such an opportunity, and they presented several slides that set forth their views, and a request that their views be conveyed as part of the Customs presentations.

145. These slides explained how these Jewish students felt about Israel and Zionism, about Israel's war against Hamas, and about the atmosphere at Haverford for people who hold such commitments.

146. This presentation was met with anger and disgust by the student Customs leaders to whom it was made during their preparatory meeting. One student who viewed it was so outraged at having to hear these opinions that when it ended the student asked out loud, “what the actual F\*ck was that?” about the presentation.

147. The students to whom the presentation was made were so angry at having been forced to listen to it that they demanded an apology from Haverford College for being subjected to this presentation.

148. Haverford apologized.

149. The resulting presentation as made to incoming students was entirely hostile to Plaintiffs’ beliefs and commitments, explaining, for example, that the current round of conflict in the middle east began with “Israel’s declaration of war on Gaza,” its assertion that it is racist to deny that Palestinians are "an Indigenous people with a collective identity, belonging, and rights in relation to occupied and historic Palestine" while omitting any recognition that it is Antisemitic to deny the Jewish people's historic, ancestral, and religious ties to the land of Israel, despite a specific request for that content by a Jewish student.

150. Haverford administrators were put on notice of all of the above before the Customs event took place, at least from the email sent by a Jewish community leader which detailed the issues set out above. Rather than taking action, Haverford avoided doing anything based on various pretexts. Its representatives claimed that the presentation was reserved to customs organizers' discretion based on the principle of "student agency" (without explaining how that principle justified denying agency to Jewish students), that administrators' involvement would only make the situation worse (without accounting for the warnings administrators themselves ignored that

they should get ahead of this issue months prior), and that Jewish campus leaders were themselves engaged in "activism" because of the pendency of this lawsuit.

151. Plaintiffs either experienced these events directly or became aware of them as or immediately after they occurred. Plaintiffs understood them as yet another manifestation of Haverford's policy of hostility to Jews committed to Israel.

**I. Haverford Awards A Student Who Mocked Jewish Complaints That Posters Advertising Jewish Events Were Being Pulled Down**

152. Throughout the academic year, Plaintiffs and other Jewish students put up posters on Haverford's campus advertising Jewish events. One such event, entitled "How do you Jew," took place on March 31, 2024.

153. In the days immediately prior to this event, posters advertising it were repeatedly pulled down. When they were replaced, they were pulled down again. This process occurred repeatedly, at multiple locations throughout campus, including at least one dormitory and public buildings.

154. The matter was brought to the attention of President Raymond and other senior administrators. They purported to conduct an investigation which concluded that the posters—some of which were found crumpled up on the floor, and some of which had been removed from boards that are indoors—were blown down by the wind. Other than announcing that *if* someone had torn down a poster advertising a Jewish event, the act would be considered antisemitic and constitute a violation of the Honor Code, the College did nothing to stop this from continuing to happen.

155. On the contrary: at graduation, the College presented an award to a student who had publicly mocked the Jews' concern about their posters, posting a message that "i be tearing down



chabad posters and eating them like fucking fruit rollups.” The award was, on information and belief, a calculated insult to the Jews who had expressed concern about the issue.

156. At the beginning of this academic year, “Bi-Co Students for Peace,” changed its name to “Bi-Co Students for the Liberation of Palestine.” It simultaneously announced that the organization is committed to “the liberation of Palestine through the complete dismantling of the apartheid settler colonial state of Israel, *by all means necessary*.” (emphasis added). The phrase “by all means necessary” is a call for the legitimization of physical violence, including the tactics deployed by Hamas on October 7, 2023. Upon information and belief, Haverford College has failed to remove this organization from its campus or to seek in any way to mitigate the evil of its call for the murder of Jews. So far as Plaintiffs are aware, Haverford has taken no steps to remove it from campus. The presence of a group on campus calling for violence to destroy the Jewish state; the change of name of the organization, and the new endorsement of “all means necessary” to destroy Israel are all known to Plaintiffs were known to them shortly after they were announced. These facts were the subject of at least one complaint to President Raymond by a student, a fact of which Plaintiffs are also aware. And Plaintiffs also know that no substantive response was received to this complaint.

## **VII. HOSTILE ACTION BY ADMINISTRATORS**

157. Haverford's leaders themselves took action that created and ratified hostility against Plaintiffs because of their identity.

### **A. Cancellation of the Antisemitism Awareness Basketball Game**

158. The College has permitted the dedication of certain of its sporting events to a variety of causes, and Ally Landau sought and obtained permission from Vice President Nikki Young in November 2023 to dedicate a home women's intercollegiate basketball game to Antisemitism Awareness. Ally was told by Assistant Director of Athletics Jason Rash that February 6, 2024, was available, and the Antisemitism Awareness Game was scheduled for that date. Ally made the planned event known to Jews at Haverford, including the Plaintiffs. In advance of the event, Ally made sure that a table and chairs would be available outside the stadium so that spectators would be able to pick up literature about antisemitism and "blue square" buttons which are a symbol of eradicating antisemitism. That was the entire antisemitism awareness component of the basketball game.

159. Less than a week before the game was to take place, and after the event had been made public, Ally was summoned to a meeting with Dean John McKnight and the Athletic Director Danielle Lynch. At this meeting Ally was told by Dean McKnight that having an Antisemitism Awareness basketball game might prove too antagonistic to the pro-Palestinian students on campus and that the College might not be able to control the anticipated mob from storming the basketball court and refusing to leave. Were that to happen, Ally was informed, the Haverford women's basketball team would have to forfeit the game, as required by the NCAA rules. Understanding herself to have no choice, Ally agreed to cancel the Antisemitism Awareness component of the basketball game.

160. The substance of Ally's conversation with McKnight, and the cancellation of the event, were made known to Jews at Haverford, including Plaintiffs, right after they occurred. Parents and alumni complained to Dean McKnight and President Raymond. Both of these officials, and Chief of Staff Jesse Lytle, answered that Ally had decided on her own to cancel the Antisemitism Awareness component of the game, and that Dean McKnight had offered to support the team if she chose to go forward with it. This is false.

161. Ally's father Mr. Landau told Dean McKnight that it was clear to him that the Dean had pressured Ally to cancel the event. Dean McKnight answered that "maybe the pressure was coming from you [Jeff Landau] and the Chabad Rabbi." Mr. Landau instructed Dean McKnight to cease conversations with his daughter. Dean McKnight answered: "as Dean of the College I can talk to any student whenever I want to." Dean McKnight's evasion of responsibility showed deliberate indifference to the effect of his own threats to Ally regarding what might happen if the Antisemitism Awareness Game proceeded as planned.

#### **B. Vice President Nikki Young Denounces Israel At A Vigil For A Student**

162. As described above at ¶34, Haverford Vice President Nikki Young used the vigil for Haverford student Kinnan Abdallhamid to denounce Israel and accuse it of committing genocide.

163. One of the many complaints about the issue, this one from an alumna, explained:

instead of calling for unity amongst Haverford students, the head of DEI chose to speak of the "genocide" in Palestine. The shooting of a Haverford student is something so awful that no matter the climate, it inherently should bring the Haverford community together. For any administrator, let alone the head of DEI, to use this incendiary, racist, and inflammatory wording - and at a gathering to come together for a student shot in what was almost definitely a hate crime - is antisemitic and divisive.

No response was received to this Complaint. No action was taken, and no statement made, by any Haverford official about Young's abuse of the vigil. All Plaintiffs knew about Young's

statement, all knew that complaints were submitted to Haverford's leadership about it, and all knew that nothing was done or said in response to any of these complaints.

**C. Haverford Informs Jewish Community Leaders That They Want Jews To Feel Unsafe on Campus**

164. As alleged in greater detail above at ¶¶35 and 36, Antisemitism at Haverford reached so high a level that leaders of the Philadelphia Jewish community have requested and held two meetings with Haverford leadership on the subject. At both of these meetings, the Jewish community leaders explained to Haverford administrators that Jewish students who are committed to Israel feel unable to publicly manifest or express that belief on campus.

Haverford's leaders did not deny or even question this assertion: instead, they informed the Jewish leaders that this was known and was to be expected. Blacks and gays have in the past not felt safe on campus, and it is now the turn of the Jews to experience that feeling, Vice President Nikki Young explained to the Jewish leadership the first time implicitly, the second time explicitly.

165. Plaintiffs learned of these meetings, and the statements made by Haverford's leaders, shortly after they occurred. The events further demonstrated to Plaintiffs that their identity as Jews committed to Israel is deemed wholly unworthy of protection by Haverford College.

**D. Haverford Ratifies Student Hostility To Plaintiffs and Their Commitments**

166. As alleged in greater detail above with respect to each of these events, Haverford's leaders including President Raymond and Dean McKnight ratified and endorsed the hostility to Plaintiffs manifested by their fellow students in The Grievances Document, the Plenaries, the Nova film screening, the lecture about Israel spreading disease, the Sit-in and the Encampment. As alleged in further detail above, in each of these instances, large groups of students attacked Plaintiffs and their commitment to Israel as evil and as unworthy of presence on Haverford's

campus. In each instance, the attacks were the subject of complaints submitted to Haverford's leaders, although in most, Haverford's leaders were physically present and witnessed the attacks. In each instance, Haverford's leadership did and said nothing substantive in response to the complaints, and instead thanked the students for the attacking statements and/or praised them as legitimate expressions of opinion.

167. Haverford similarly demonstrated deliberate indifference to the hostility of the campus environment each time that President Raymond or other Haverford officials advised Plaintiffs that the only remedy for the hostile acts they had complained about was for the student to seek to resort to the Honor Code—the very set of rules which ratify hostility to Plaintiffs, their identity and their commitments, and which are enforced by the very people who were and are manifesting that hostility.

### VIII. PLAINTIFFS' INJURIES

168. Plaintiffs have been subject to intimidation and harassment for their expression of their commitment to Israel, and as a result, they fear for their personal and community safety. That intimidation and harassment includes personal hostility both online and in face-to-face interactions, being falsely accused of supporting genocide and white supremacy, and being shunned and ostracized by their peers. As a result, Plaintiffs have been denied an equal opportunity to take part in educational programs and other activities offered by Haverford.

169. In confidence, Plaintiffs expressed profound fear and intimidation in response to this hostile environment. As one student confessed to others in the Jews at Haverford WhatsApp group, she was “literally shaking” because her “class just got SO anti zionist and [she] spoke up.” She described being “literally terrified about it,” including “what’s going to happen now.” Others responded with encouraging messages such as “Sorry you went through that,” “Here for ya,” “Incredibly brave move,” and “So proud of you ... for speaking up, we love you!!” The student who had spoken up in class replied: “i’m gonna cry thank yall.”

170. Other examples further illustrate how Plaintiffs responded to the hostile environment at Haverford with fear, anxiety, and self-suppression. See, e.g., ¶¶96, 97, 113, 115.

171. Ally was personally affected by antisemitic demonstrations actions and policies on campus and by constant demands from her student peers, professors and administrators that she stop speaking about her commitment to Israel and that she publicly disavow that commitment and instead affirm calls for the destruction of the state of Israel and false accusations that the state of Israel was committing genocide. When a student, Ally was forced to change her routine at Haverford to avoid being confronted by blood libels directed at the Jewish people. Ally was harassed and insulted by other students and faculty at Haverford College purporting to instruct

her on what constitutes the tenets of her religious commitment and claiming that her commitment to Israel has nothing to do with her Judaism. Ally was shunned by Haverford students because she has made known her opinion that Israel has the right to exist as a Jewish state. Ally repeatedly beseeched President Raymond and her Administration to intervene and ensure that the antisemitic animus pervading Haverford College cease putting Raymond and other administrative leaders of Haverford on notice of the actions, omissions and policies at issue in this case. She and/or her concerns were repeatedly rebuffed and/or ignored; and she was told she should deal with the matter herself. For Ally, not a single day went by when she was on Haverford's campus when the rampant antisemitism on Haverford's campus was not at the forefront of her mind.

172. In the immediate aftermath of October 7, as she watched the violent hostility to Israel unfold on Haverford's campus, HJSB initially remained in her room and then fled campus to her parents' home, unable to function as a student at Haverford because she found herself surrounded by fellow students who she had thought were her friends, but who were initially indifferent to, and then actually celebrating, the murder of Jews. HJSB attends Jewish programs and events on and off campus and has lost friends and been shunned because of this attendance, with other Haverford students telling HJSB that she should not support a Zionist entity on campus. HJSB has been personally affected by incidents alleged in this Complaint that create a hostile environment at Haverford. HJSB has been forced to change her routine at Haverford in order to avoid being confronted by blood libels directed at the Jewish people. HJSB has agonized over how she can "refute her Jewishness just enough so I don't have a target on my back." The hostile environment for HJSB is something she thinks about every single day since October 7. That concern is on her mind whenever she leaves her dorm room and is especially acute in classes,

where she fears that she might say something out loud that indicates she has any affiliation towards or sympathy for Israel which would immediately brand her as someone who supports “genocide” by other students and faculty alike.

173. HJSC attends Jewish programs and events on and off campus and has lost friends and been shunned because of this attendance. HJSC has personally been affected by the incidents at issue in this case which have created an environment on Haverford’s campus hostile to the Jewish commitment to Israel.

174. HJSC has been forced to change her routine at Haverford in order to avoid being confronted by blood libels directed at the Jewish people. HJSC has been repeatedly insulted by other students and faculty at Haverford College purporting to instruct her on what constitutes the tenets of her religious commitment and claiming that her commitment to Israel has nothing to do with her Judaism.



## COUNT I

### **TITLE VI OF THE CIVIL RIGHTS ACT OF 1964 42 U.S.C. § 2000d et seq.**

175. Plaintiff incorporates by reference the allegations set forth in the preceding paragraphs.

176. Defendant receives financial assistance from the U.S. Department of Education and is therefore subject to suit under Title VI of the Civil Rights Act of 1964.

177. A hostile educational environment is present when students are victimized by unwelcome conduct based on shared ancestry or ethnic characteristics that, based on the totality of the circumstances, is subjectively and objectively offensive and so severe or pervasive that it limits or denies the student's ability to participate in or benefit from the educational program or activity in which the student is enrolled.

178. Discrimination against Jews is prohibited under Title VI of the Civil Rights Act of 1964, as reflected in the written policies of the Department of Education's Office for Civil Rights ("OCR"). See e.g., U.S. Dep't of Educ., OCR Dear Colleague Letter: Addressing Discrimination Against Jewish Students (May 25, 2023),

<https://www2.ed.gov/about/offices/list/ocr/docs/antisemitismdcl.pdf>; U.S. Dep't of Educ., OCR-000127, Questions and Answers on Executive Order 13,899 (Jan. 19, 2021),

<https://www2.ed.gov/about/offices/list/ocr/docs/qa-titleix-anti-semitism-20210119.pdf>;

U.S. Dep't of Educ., OCR-00107, Dear Colleague Letter: Combatting Discrimination Against Jewish Students (2017), [https://www2.ed.gov/about/offices/list/ocr/docs/jewish-factsheet-](https://www2.ed.gov/about/offices/list/ocr/docs/jewish-factsheet-201701.pdf)

[201701.pdf](https://www2.ed.gov/about/offices/list/ocr/docs/jewish-factsheet-201701.pdf); Letter from Thomas Perez, Asst. Att. Gen., Civ. Rts. Div., U.S. Dep't of Justice to Russlyn Ali, Asst. Sec'y for Civ. Rts., OCR, U.S. Dep't of Educ. Re: Title VI and Coverage of Religiously Identifiable Groups (Sept. 8, 2010),

[https://www.justice.gov/sites/default/files/crt/legacy/2011/05/04/090810\\_AAG\\_Perez\\_Letter\\_to\\_Ed](https://www.justice.gov/sites/default/files/crt/legacy/2011/05/04/090810_AAG_Perez_Letter_to_Ed)

OCR Title%20VI and Religiously Identifiable Groups.pdf; U.S. Dep’t of Educ., OCR Dear Colleague Letter: Religious Discrimination (Sept. 23, 2004),

<https://www2.ed.gov/about/offices/list/ocr/religious-rights2004.html>.

179. Attacks on Jewish students committed Israel and Zionism are recognized by the OCR as antisemitic. See Exhibit F (OCR finding the presence of “antisemitic harassment” at the University of Vermont (“UVM”) when a single teaching assistant mocked and attacked Zionists).

See also U.S. Dep’t of Educ., OCR Dear Colleague Letter: Shared Ancestry or Ethnic Characteristics (Nov. 7, 2023), [https://www2.ed.gov/about/offices/list/ocr/letters/colleague-](https://www2.ed.gov/about/offices/list/ocr/letters/colleague-202311-)

[202311-discrimination-harassment-shared-ancestry.pdf](https://www2.ed.gov/about/offices/list/ocr/letters/colleague-202311-discrimination-harassment-shared-ancestry.pdf).

180. Defendant’s discriminatory application of its nondiscrimination policy and willful failure to enforce its nondiscrimination policy as to conduct attacking Jewish students because of their commitment to Israel discriminates against the Plaintiffs.

181. Defendants’ discriminatory application of its policy and failure to enforce its nondiscrimination policy has created an environment that is hostile towards Jews, including the Jewish students who are members of the Plaintiff association.

182. The hostility towards Jewish members of the Haverford community is severe or pervasive enough that it interferes with these students’ ability to participate in the programs and activities of the school.

183. As described in the allegations above, these students cannot fully participate in the intellectual life on the Haverford campus because in expressing their opinions, they run a very high risk of retaliatory targeting, and therefore expend tremendous energy suppressing their views.

## COUNT II

### BREACH OF CONTRACT

184. Plaintiff incorporates by reference the allegations set forth in the preceding paragraphs.

185. In its Non-Discrimination Statement Haverford promises that it “is committed to providing an employment and educational environment free from all forms of unlawful discrimination because of “religion, [] national origin, ancestry, citizenship, ... or any other characteristic protected by law.” <https://www.haverford.edu/student-life/community-guidelines/policies>. Haverford also promises to follow its bias reporting process as detailed in its Bias Policy, described more fully below.

186. Haverford’s Non-Discrimination Statement is enforced as binding through the College’s Anti-Discrimination, Harassment, and Bias Policy, which is itself a binding contract. This Policy, posted on Haverford’s website, attached hereto as Exhibit A and in effect during the 2023-2024 academic year, states:

The College recognizes that a learning environment that encourages free inquiry and open-minded, robust discussion, and intellectual debate, at times may cause discomfort for its participants. However, the College does not protect or tolerate behaviors on campus that may cause harm by constituting targeted harassment or bias.

<https://www.haverford.edu/sites/default/files/Office/President/Haverford-Bias-Policy-Draft-2.8.24.pdf><sup>9</sup>

187. Haverford has promised to enforce these contractual commitments in accordance with federal law, and in particular Title VI. Bias Policy at 2 (“The College will also comply with its

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<sup>9</sup> The policy text as currently available is identified as a draft. A previous version of the policy, in force at the beginning of academic year 2023-2024, was not so identified. The current draft version appeared after this case was filed, and the previous version is no longer available. On information and belief, Haverford had such a policy in force throughout academic year 2023-2024, and does so now. The version attached hereto is the only version of that policy currently accessible.

obligations under . . . Title VI . . . If any provisions of the College’s Anti-Discrimination, Harassment and Bias Policy are in contradiction to or interfere with any federal or state law, that law will supersede the College’s policy provisions.”)

188. Haverford administrators have the authority and the responsibility to enforce Haverford’s nondiscrimination policy against faculty and students who engage in antisemitic discrimination and harassment.

189. Haverford has failed to apply these policies to protect Plaintiffs from discrimination and harassment on the basis of their commitment to Israel. As alleged above, multiple bias reports filed by Plaintiffs and other community members regarding antisemitic harassment and discrimination have either been completely ignored or, in response to those it has acknowledged, Haverford has failed to undertake any appropriate investigation and remedial measures. See, e.g., ¶¶34 n. 6, 63, 111, 115, 137, 163. As a result, Plaintiffs have been deprived of the opportunity to live and study with the protection of the nondiscrimination policy Haverford has committed to as mandated by federal law.

190. Each of the following events constitutes a “bias incident” for purposes of the College’s Non-Discrimination Policy:

- Each instance in which posters were torn down after having been put up by Plaintiffs in compliance with the College’s Poster policy;
- The social media post mocking Jewish students for complaining about their posters being torn down, stating that “I be eating [them] like fruit rollups” and the College’s award to the student who issued this mocking post, and the issuance of an award by the College to the person who put up this post.;

- Each of the social media posts referenced above by Professors Aougab, Velasco and Ha described in ¶¶49, 51 and 54, as well as the fact that the College has ignored these posts while social media statements by a professor supportive of Israel's existence, made on social media channels that are not Official Haverford College platforms, have been pursued as a violation of Haverford's Disciplinary Code;
- At its 2024 Commencement, the College issued an award to Prof. Aougab for embodying the College's values, issued, on information and belief, specifically because of the social media posts he issued referenced in ¶49 above;
- Each instance in which students demanded that "Zionists" be banished from Haverford's campus;
- The actions at each of the Plenaries to silence Jewish students committed to Israel and to manipulate or violate Plenary rules to secure the adoption of a resolution hostile to that commitment;
- The lecture accusing Israel of murdering Palestinian civilians by spreading disease;
- Conduct by participants in the encampment, which harassed students who did not agree with the encampment's hostility to the Jewish commitment to Israel;
- Conduct by participants during the Sit-In, which harassed students who did not agree with the encampment's hostility to the Jewish commitment to Israel;

- The disruption of the ADL event;
- Vice President Nikki Young's denunciation of Israel at the vigil for Kinnan Abdalhamid;
- The cancellation of the Anti-Semitism Awareness Basketball event, and Dean McKnight's threat that such an event would produce violence from which the College was not willing or prepared to protect its women's basketball team or anyone else;
- Each instruction that Jewish students complaining about attacks on their identity, above, could seek protection only from the Honor Council, which enforces the Honor Code, which explicitly discriminates against speech expressing by "privileged" people and that by "marginalized" people, and the implicit rule that expression of the Jewish commitment to Israel falls into the former category.

191. Each of these bias incidents except the last was the subject of at least one bias report.

With respect to the last, President Raymond was confronted with the absurdity of telling Jewish students to seek relief from their antisemitic classmates by appeal to those classmates.

192. In no instance was any relief afforded that corrected or even addressed the bias manifest in these events in any meaningful way.

193. Each of these unremedied bias incidents damaged each of the Plaintiffs by creating and enforcing an environment in which they were unable to manifest their true identity; had to flee campus, either by going home to their parents' house or to refuges off campus which are the only places where it was and remains possible to expose their true identity, as Jews committed to Israel, without being denounced or shunned.

194. Each Plaintiff has incurred damages as a result of these breaches of the Non-Discrimination Statement inasmuch as each Plaintiff has been deprived of the educational experience promised, which is one free of discrimination and harassment. This has diminished the value of the education for each Plaintiff has paid. In the alternative, under Pennsylvania law, each Plaintiff is entitled at least to nominal damages for each of these breaches of contract. *See Garcia v. Vertical Screen*, 592 F. Supp. 3d 409, 428 (E.D. Pa. 2022); *Thorsen v. Iron & Glass Bank*, 476 A.2d 928, 931 (Pa. Super. 1984).

### **PRAYER FOR RELIEF**

WHEREFORE, Plaintiffs respectfully pray that this Court order the following relief:

195. A writ of mandate permanently requiring Defendant to enforce all of its Policies, including those on discrimination, on expressive freedom, on the posting of posters, and on the use of social media, on an even-handed basis, ensuring that Jewish members of the Haverford community are protected, with respect to their physical safety and otherwise, from discrimination on the basis of their Jewish identity, including those for whom Zionism is an integral part of that identity.

196. An injunction preliminarily and permanently mandating that Defendant take action to end the hostile environment on campus by (i) communicating to the entire Haverford community that Haverford will condemn, investigate, and punish any conduct that harasses members of the Jewish community, or others, on the basis of their religion, and ethnic or ancestral background; (ii) providing education about antisemitism which includes the hostile treatment of Jews who believe in the centrality of Israel to Judaism, by, amongst other ways, conducting mandatory training for students, administrators, staff and faculty; (iii) instituting strict review and approval

of policies to ensure that the administration does not conduct, or finance, programs that deny equal protection to Jewish members of the Haverford community including those for whom Zionism is an integral part of their identity; and (iv) disciplinary measures—including the termination of, deans, administrators, professors, and other employees responsible for antisemitic discrimination and abuse—whether because they engage in it or permit it.

197. A declaratory judgment that the failure by Defendant to enforce its policies to protect Jewish members of the Haverford community has violated Plaintiff's rights under (i)



Title VI of the 1964 Civil Rights Act, 42 U.S.C. § 2000d et seq., and (ii) Plaintiffs' rights pursuant to their contract with Haverford College.

198. The appointment of a Special Master to oversee and enforce Haverford's compliance with Title VI for a period of five years after the entry of judgment in this matter.

199. Compensatory, consequential, and punitive damages in amounts to be determined at trial.

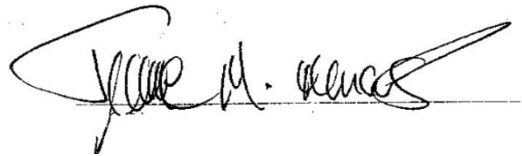
200. Nominal damages pursuant to Pennsylvania law for Defendant's breach of contract.

201. Plaintiff's reasonable attorneys' fees pursuant to 42 U.S.C. § 1988.

202. Any other relief which this Court may deem just and proper.

DATED: January 27, 2025

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Jerome M. Marcus", is written over a horizontal line.

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